

JUDGE'S COPY

19  
COPY

In the United States District Court  
for the Middle District of Pennsylvania

JAMES H. WILLIAMS

Plaintiff

VS

Civil No\* 1:CV-01-0280

(Judge Knease)

MARTIN L. DRAGOVICH

JAMES J. McGRADY AND

RICHARD L. SPAIDLE

Defendants

FILED

JAN 24 2002

PER

HARRISBURG, PA DEPUTY CLERK

Plaintiff's Pro-se Brief in opposition to defendants motion  
to Dismiss

### Statement of the case

This is a pro-se inmate's Civil Rights Action brought pursuant to 42 U.S.C. 1983 by James H. Williams. (Plaintiff) now housed at S.C. & Greene.

Plaintiff's allegations arose while serving 25 to 50 yrs sentence at S.C. & Mahanoy from an incident which occurred Feb 1999.

Plaintiff's complaint alleges that MARTIN DRAGOVICH (Sgt James McGrady (Major of Unit Mahanoy-2) and Richard Spaidle (Unit Mahanoy-2) conspired against him in violation of his Eighth Amendment Rights under ~~the~~ Color of State Law (Dept of Correction).

Plaintiff requests compensatory and punitive damages as well as having his misconduct expunged from D.O.C. files. Also have D.O.C. pay for all Court Cost. All Defendants discipline for their action and/or inaction which lead to the assault of February 1999. On September 26, 2001 Defendants filed motion to Dismiss.

Plaintiff was transferred from S.C. & Greene to Schuylkill County Prison April, 2001. As a result of S.C. & Mahanoy filing criminal charges against Plaintiff said 6 to 12 yrs sentence from the

Plaintiff's Rec'd A Court order from Judge Howe dated January 4, 2002 ordering plaintiff to Respond to Defendant's motion within twenty (20) days from date of January 4, 2002 or motion to Dismiss will be granted.

Plaintiff now files an opposing motion to Defendant motion to Dismiss. this date January 21, 2002. and files A Separate concise statement of Material facts Responding to Movant's statement. and Court order dated January 4, 2002

### Statement of Material Facts

Upon moving from A-block to J block with Spaide Unit Manager. U.M. was deliberately indifference toward plaintiff's personal safety by exposing him to environmental smoke with cell-mate indifference of S.C.Z. Wainwright establish smoking and non smoking policy which plaintiff is a non smoker. After informing Spaide of his error, filing Grievance and Request Slips to Depotics. Spaide still declined to acknowledge this error for personal reasons. Animosity generated. Spaide official oppression continued plaintiff threaten U.M. with bodily harm. As a result from the Request slip threat plaintiff Rec'd M.C.# 125751 dated Dec 7, 1998 Resulting in sixty (60) days in Disciplinary Custody (Threat to Staff) for unknown reasons Program Review Committee (P.R.C) Report dated January 21, 1999 stated there's no reasons why Plaintiff could not Return back to his former housing Unit. which Superintendent along with (P.R.C) Authorized. upon Returning Spaide placed plaintiff right back in same cell after being threaten not to do so by plaintiff. An Assault took place which plaintiff claims Spaide Assaulted him initially in the presence of J block video camera which Staff claims do not Record no film. prior to this assault plaintiff mentioned and documented during his M.C. hearing December 10, 1998 how Spaide approached his cell while housed inside the R.H.U and threaten him with bodily harm. no investigation was conducted.

D - incident, the rest of Plaintiff's legal materials remained at S.C.Z Greene. Plaintiff was not returned to Greene until December 11, 2001

- All above Defendants was deliberately indifferent to his personal safety when they Authorized his return back into an Hostile environment with Spade. Known before that an Assault would take place if placed back into same block and/or ~~same~~ same cell. which Spade acknowledge he did place plaintiff inside same cell upon his actions.

### Questions Presented

I. Whether Defendants can be sued in their official or individual capacities and/or immune from suit pursuant to the Eleventh Amendment.

### Argument

I. In any Section 1983 Action, initial inquiry must focus on whether two essential elements are present: whether conduct complained of, was committed by persons acting under color of state law; and whether this conduct deprived persons of rights, privileges or immunities secured by Const or Laws of the U.S. 42 U.S.C.A. 1983 Civil Rights Reg 13.3(1), 13.5(1)

1871 Civil Rights Act does not abolish wholesale all common-law immunities of prison authorities, and before there can be recovery of damages there must be proof of bad faith or at least such degree of neglect or malice as to deprive defendants of official immunity for merely erroneous action 42 U.S.C.A. 1983 Civil Rights Reg 13.8(1)

Defendants are being sued in their official capacities under color of state law official oppression and bad faith.

In Smith vs Wade 103 S.Ct 1625 (1983)

The Supreme CT held, A prison guard could be held liable for punitive damage upon a finding of reckless or careless disregard or indifference to inmates rights, etc health and safety, when it's motivated by evil motive or intent. Also states an injured inmate can seek punitive and Exemplary damages in order to punish the wrongdoer for some extraordinary misconduct and to serve as an example or warning to other not to engage in such. (3) Conclude date other from the court

- Allegation in this complaint charges defendants with acting in bad faith toward plaintiff and with intentional, malicious and Reckless disregard of his constitutional rights. in their Supervisory Capacities failed to prevent the assault and failed to discipline Major McGinty and Spade for their mis handling of the incident.

## II Question Presented

whether all claims against Defendants are Barred by the Applicable Limitation period? whether time Limitations expiration was do to Department of Correction interfering. or no fault of Plaintiff

## Argument

II. When tort involves continuing injury, cause of action accrues and Limitation period begins to run at time tortious conduct ~~ceases~~ ceases. Limitation of Action N.Y. § 55(6)

Although Plaintiff was placed inside Restricted Housing Unit (R.H.U) he was returned to same block and placed in same cell February 5, 1999 until the assault took place February 8, 1999 therefore making the two(2) statute of limitation period February 8, 2001 its already documented that Spade stated he placed plaintiff in same cell upon his return from (R.H.U) Feb 5, 1999 cause of action was not terminate until assault occurred Feb 8, 1999

(A) November 2000 plaintiff was transferred from S.C.J. Greenv to S.C.J. Frackville for Court appearance at Schuylkill County Courthouse.  
(See Attached Exhibit 'A')

while at S.C.J. Frackville awaiting Court, Staff request that all legal property be transferred to Frackville from Greenv. all property was mailed to S.C.J. Rockview Court date was to be postponed as a result.

(See Attached Exhibit 'B')



Upon plaintiff ARRIVAL back to Greene he was informed by property Sgt Grady. that none of his personal property ARE present All property was mailed to Frackville. therefore being lost in the mail. Greene only agreed to reimburse shipment fee of \$43.55 from account. WAS not concerned with ~~finding~~ finding and having property returned. never investigated the matter.  
(See Attached Exhibit "C")

Upon further investigation by Plaintiff it was discovered MR. DAN DAVIS without plaintiff consent signed a cash-ship and Authorized \$43.55 to be deducted from account while plaintiff was housed At S.C.F. Frackville. Ms. Karen Patterson (accountant) forwarded documents with instruction to where property ARE to be mailed. S.C.F. Frackville. Greene staff deliberately shipped all property to S.C.F. Rockview instead, which address appears on shipping label typed!!  
(See Attached Exhibit "D")

According to property Sgt. Greene had no idea (where the property was mailed too. stating lost in the mail. finally rec'd property around End of December 2000.

Again, Plaintiff WAS summons to Court January 17, 2001 returned to Greene January 31, 2001 being aware of February 8, 2001 two (2) yr dead line Filed civil suit February 2, 2001 by certified mail. S.C.F. Greene mail room staff returned legal package claiming inmates must use new certified post card. stating this information WAS ~~sent~~ ~~to~~ ~~all~~ sent to all housing unit not to use the old forms. Plaintiff have two witness Sgt Grandas and Co Rice (R-H-U) officers 2 to 10 shift never informed Plaintiff of this change of policy. both officers themselves WAS unaware of new policy. After receiving new certified forms February 5, 2001 the mail room once again returned the legal package stating certified Green Card can not be placed on the front of envelope being AS though my mailing dead-line WAS Feb 8, 2001 & Filed Grievance # 0317-2001 for personal records to have documented. and obtain witness on my behalf. Unfortunately, Plaintiff civil-suit WAS not mailed until February 9, 2001 (Friday) which the courts rec'd February 13, 2001 (Tuesday)  
(See Attached Exhibit "E")

Plaintiff was not AWARE of JANUARY 1, 2001 Postal Policy because of A.T.A. instead of the MAIL ROOM distributing memo they relied on staff informing inmates. Upon being returned back to I-block and placed in same cell until Feb 8, 1999 the two (2) year Limitation started Feb 8, 1999 not February 13, 1999 AS Deputy Attorney General indicates. Twice Plaintiff's attempted placing legal documents in the MAIL February 2, 2001 AND February 5, 2001 each time was returned do to no control of his own. Plaintiff's did receive old certified forms from staff AFTER dead-line of New policy. upon filing civil suit Plaintiff did send his only copy A document from MAIL ROOM Notice Returning legal package and it's REASONS. therefore Plaintiff's should not be held liable for staff error. both staff was UNaware AS WELL AS MYSELF of such policy.

### CONCLUSION

Wherefore, for the foregoing REASONS, Defendant's motion to DISMISS base on LIMITATIONS only should not be granted. And A Discovery date set for TRIAL.

Respectfully Submitted,

James Williams Pro-se  
JAMES H. WILLIAMS AY-8692

DATE JANUARY 21, 2002

S.C.Z. GREEVE

175 Progress Drive  
Waynesburg, PA. 15370

Exhibit  
A





*J. Kerestes*  
 01-24-01

DC-141 Part III  
 PROGRAM REVIEW COMMITTEE

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF CORRECTIONS

           Misconduct Appeal

           Periodic Review

      X       Other

DC Number	Name	Institution SCIF	Date of Review	No. from Part I
AY-8692	Williams, James		1-24-01	A-255779

The PRC convened to consider placement of this inmate in Administrative Custody because he is here temporarily and is not classified for SCIF population.

INTERVIEW: Inmate was received at SCIF recently for the purposes of attending Court. He is here temporarily for Court.

DECISION: This inmate will be placed in Administrative Custody in accordance with DC-ADM 802, Para. VI,A,1.

APPEAL: The inmate has been advised of his right to appeal this decision by request slip to the Superintendent within two (2) days after this hearing.

NEXT REVIEW DATE: 2-21-01, if still at SCIF.

hs

Decision Relative to Hearing Committee's Verdict		
<u>      X      </u> Not Applicable	<u>          </u> Sustain	<u>          </u> Sustain/Amend <u>          </u> Refer Back/Further Study <u>          </u> Exonerate Inmate
Names of Program Review Committee	Signatures	Date
J. Kerestes, DSFM	<i>J. Kerestes</i>	1-24-01
D. J. Searfoss, CCPM	<i>D. J. Searfoss</i>	01-24-2001
E. Zaborney, Chief Psychologist	<i>Edmund Zaborney</i>	2-5-01

Exhibit

B

DC-804  
PART 1COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA. 17001-0598

OFFICIAL INMATE GRIEVANCE

GRIEVANCE NO.

FRA-0778-00

TO: GRIEVANCE COORDINATOR →	INSTITUTION S.C.I. Frackville	DATE Nov 28, 2000
FROM: (Commitment Name & Number) James Williams AY-8692	INMATE'S SIGNATURE James Williams	
WORK ASSIGNMENT Arm - Mitchem	QUARTERS ASSIGNMENT B-A 1025	

## INSTRUCTIONS:

1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

(Now AT S.C.I. Green)

Have Frackville sent property etc

## A. Brief, clear statement of grievance:

Nov 1, 2000 I arrived with (1) legal Envelope documents inside, shower shoe, deodorant etc, for A-T-A at Schuylkill County from S.C.I. Green. The day while in the yard, staff took me to intake for the shift. I requested my documents from cell. they refused. As a result, was housed in cell for over two (2) weeks. without any property. Nov 3<sup>rd</sup> and 8<sup>th</sup> 2000 I personally informed the courts that, Frackville staff, did not allow me to bring any of my legal material for trial. the courts or D-A called Frackville, they stated none of my property are there. then I assumed they called Green my trial was then post-pone because of this error. Frackville also refused to inventory my property upon arrival and leaving, violation of policy. Now Green staff claim that after receiving phone call from D-A. All my property was sent to Frackville between Nov 3-8, 2000.

## B. Actions taken and staff you have contacted before submitting this grievance:

I will claim it never arrived. The courts assumed Green staff was at error when Frack was spoke with both A-H-C staff on B.C. Annex concerning inventory sheet to no avail. I wrote Supt and Deputy while there per Request Slip.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Grievance Coordinator

Date

DC-804

Part II

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P. O. BOX 598  
Camp Hill, PA 17011

OFFICIAL INMATE GRIEVANCE  
INITIAL REVIEW RESPONSE

GRIEVANCE NO. FRA-0778-00

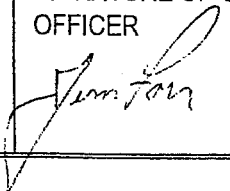
TO: (NAME & DC#)	INSTITUTION:	QUARTERS:	GRIEVANCE DATE:
INMATE JAMES WILLIAMS AY8692	SCI-FRACKVILLE	BA1025	11-28-00

The following is a summary of my findings regarding your grievance:

When you arrived at SCI-Frackville, you had no property. I called SCI-Greene and spoke to the Property Sergeant, and he indicated that you refused to take any when you left on the van. I then requested to have SCI-Greene UPS your property to SCI-Frackville. They sent it instead to SCI-Rockview.

As a result, your trial was rescheduled for January, 01.

cc: DC-15  
File

Refer to DC-ADM 804, Section VIII, for instructions on Grievance System Appeal Procedures	SIGNATURE OF GRIEVANCE OFFICER 	DATE 12-1-00
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Exhibit

C



DC-804  
PART 1COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA. 17001-0598

OFFICIAL INMATE GRIEVANCE

GRIEVANCE NO.

12/14/00  
GN-1814-2000

TO: GRIEVANCE COORDINATOR <i>MRS. SHARON D'Eletto</i>	INSTITUTION <i>S.C.J. Greer</i>	DATE <i>Nov 28, 2000</i>
FROM: (Commitment Name & Number) <i>James Williams AY 8692</i>	INMATE'S SIGNATURE <i>James Williams</i>	
WORK ASSIGNMENT	QUARTERS ASSIGNMENT <i>B-A 1025</i>	

*Note: Green never had my consent to mail all my property as*  
**INSTRUCTIONS:** 1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.  
 2. State your grievance in Block A in a brief and understandable manner.  
 3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

## A. Brief, clear statement of grievance:

*Thursday Oct 31, 2000 I was called to Intake, in order to pack for A-T-A. At this time Property was never inventory before I left Nov 1, 2000. Upon my return Nov 22, 2000 Sgt Grady stated none of my property are here at Green because he received a phone call from somebody, D.A. office or the clerk of courts at Schuylkill County requesting I'm in need of legal Property. Sgt Grady decided to put all my Personal Property T.V, Radio Foot locker and clothes. His nothing to do with legal documents. Mailed all items out, to where I don't know. Around Nov 6, 2000. Nobody knows where my Property is at. Frackville never rec'd them. Before I left I personally told Sgt Grady I was not taking legal material to Frackville S.C.J. Yet, decided to only take one legal Envelope with documents inside of it.*

## B. Actions taken and staff you have contacted before submitting this grievance:

*Spoke with Captain Muccino, he called Frackville, was told none of my Property has arrived there to date.*

*P.S. I've also filed Grievance against Frackville Staff for not allowing me to take my legal Envelope Package to court.*

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Grievance Coordinator

Date

DC-804  
PART 1COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA. 17001-0598

OFFICIAL INMATE GRIEVANCE

GRIEVANCE NO.

TO: GRIEVANCE COORDINATOR <i>MR. SHARON D'Elitto</i>	INSTITUTION <i>S.C.F. GREENE</i>	DATE <i>Nov 22, 2000</i>
FROM: (Commitment Name & Number) <i>JAMES WILLIAMS A18692</i>	INMATE'S SIGNATURE <i>James Williams</i>	
WORK ASSIGNMENT <i>AM Kitchen</i>	QUARTERS ASSIGNMENT <i>B-A 1025</i>	

## INSTRUCTIONS:

1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

## A. Brief, clear statement of grievance:

*Wednesday Nov 22, 2000 I returned from Forkville on A.T.A. Property Sgt Gandy informed me that the D.A. office or the courts called for my legal materials and requested that Greene staff mail it to where I do know. At that time I was currently at Schuylkill County Prison, 230 Sanson St Pottsville, Pa. 17901. Today I rec'd a copy from my account on Nov 16, 2000 Batch # 5289 \$43.55 was deducted for postage off my account without my consent for such deduction!! According to Sgt Gandy another party clearly made this request therefore this party should of been billed as well. D.A. office Schuylkill County Court house 401 North 2nd St Pottsville, Pa. 17901*

## B. Actions taken and staff you have contacted before submitting this grievance:

*Spoke with Sgt Gandy Property  
Wrote Mail Room Request Slip never responded*

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Grievance Coordinator

Date

DC-804  
Part 2COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE  
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

GRN 1814-2001

TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
WILLIAMS, AY-8692	Greene	E/B	December 1, 2000

The following is a summary of my findings regarding your grievance:

Please be advised, this document is prepared to document the outcome of this grievance issue, wherein you were offered financial settlement on February 7, 2001:

It is noted that staff attempted to complete paperwork requiring your signature in order that your account to be replenished for shipping charges incurred when property shipped while you were on ATA.

It is also noted that you refused to sign the Personal Property <sup>(settlement)</sup> Settlement Release document on February 7, 2001. That document would have enabled staff to replenish your account for the amount of money deducted for shipping charges.

As you refused to sign the document, no replenishment of your account shall take place.

SLD:djk

cc: Deputies  
Grievance Coordinator  
Inmate Accounting  
Lt. Esmond  
Records

4-31

Sharon L. D'Eletto

Superintendent's Assistant

*Sharon D'Eletto*

02/14/01

Exhibit

D

DC-138A

**CASH  
SLIP**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS**1. REQUISITIONING INMATE**

INSTITUTIONAL NUMBER

LOCATION

DATE

11/3/00

**2. RECEIVING INMATE**

INSTITUTIONAL NUMBER

LOCATION

DATE

11/5/00

**3. ITEMS TO BE CHARGED TO MY ACCOUNT**

2- Boxes (Legal  
material)  
1- Footlocker  
(Legal  
material)

Items to be sent  
to inmate at  
SCI PECOILLE

Shipping charges  
are to be billed  
to inmate's account

1- Box - 5.67

1- Box - 5.40

1- Footlocker 32.98

\$43.55

WILLIAMS, James

AY 8692

Inmate not a  
SCI PECOILLE to Sign.

4. INMATE'S SIGNATURE

5. OFFICIAL APPROVAL

*Don [Signature]***6. BUSINESS OFFICE'S SPACE**

CHARGE ENTERED

DATE

BOOKKEEPER

\$



Grd 1814-2000

Ms Karen Patterson,

This letter is to notify you that property (2 Boxes and 1 footlocker) belonging to Inmate James Williams AY-8692 is to be shipped from SCI Greene to SCI Frackville and all associated charges are to be billed to the inmates account.

  
Dan Davis

November 2, 2000

*Williams AY-8692*

DC-266A	FROM - COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS STATE CORRECTIONAL INSTITUTION GREENE 1030 EAST ROY FURMAN HIGHWAY WAYNESBURG, PA 15370-8089
<b>To</b>	S.C.I. ROCKVIEW R.F.D.3, BOX A, ROUTE 26 BELLEFONIE, PA. 16823
THIS PARCEL MAY BE OPENED FOR POSTAL INSPECTION IF NECESSARY.	

Exhibit

E

DC-804  
Part 1COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

GRN-0317-2001  
GRIEVANCE NUMBER

## OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <i>MRS. Sharon D'Elitto</i>	FACILITY: <i>S.C.I. Green</i>	DATE: <i>Feb 8, 2001</i>
FROM: (INMATE NAME & NUMBER) <i>JAMES WILLIAMS AY-8692</i>	SIGNATURE of INMATE: <i>James Williams</i>	
WORK ASSIGNMENT:	HOUSING ASSIGNMENT: <i>F-A 21</i>	

## INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B the specific actions you have taken to resolve this matter informally. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

*Friday Feb 2, 2001 I submitted one legal package addressed to:*  
*clerk office U.S. District Court 228 Walnut St*  
*P.O. Box 983 Harrisburg, Pa. 17108 by certified Postage, which*  
*happen to be written on old Green Card and Return Receipt.*  
*after obtaining new certified Postage card, your Mail Room once*  
*again returned legal package stating Return Receipt label was*  
*not correct? No staff understood this, I once again attempted*  
*to mail-out legal package, for the third time Mail Room*  
*staff returned, stating Green card must be placed on back*  
*of Envelope? I don't recall reading any such policy, nor any*  
*policy which states persons can no longer use old Green Card*  
*forms, and must be placed on back. my last line for filing civil*  
*action was Feb 8, 2001 please send copies of these policy. I never read to*

B. List actions taken and staff you have contacted, before submitting this grievance. Attach the copy of the DC-135A with the staff member's response of your informal resolution attempt.

*Spoke with 2 to 10 F block Sgt. 2-8-01 Grandas*  
*% Rice P.O.D. officers 2-8-01 Both my witness*  
*Sgt Grandas stated he'll call Mail Room.*

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

DC-804  
Part 2.COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001Revised  
December 2000OFFICIAL INMATE GRIEVANCE  
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

GRN-0317-01

TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Williams, James AY-8692	Greene	FA-21	February 14, 2001

The following is a summary of my findings regarding your grievance:

I am in receipt of your grievance dated February 12, 2001.

The United States Postal Service will not accept the old certified forms anymore. The mailroom sent to each housing unit the new forms with instructions not to use the old forms anymore. The post office will not accept them because the old forms do not have the bar codes on them. The post office uses scanners and they cannot scan the old forms.

The green return receipt cards cannot be placed on the front of the envelope covering the mailing address. It must be placed on the reverse side of the envelope covering the flap that seals the envelope or if it is a legal envelope, it can be placed to the side as long as it does not cover the mailing address.

These rules come from the US Postal Service and must be followed. If you want to confirm, please feel free to write the local US Postmaster at 1200 Morris Street, Waynesburg, PA 15370.

CC: Grievance Coordinator  
DSFM  
DSCS  
Inmate Records (original)  
File

Print Name & Title of Grievance Officer	SIGNATURE OF GRIEVANCE OFFICER	DATE
Jean W. Scott Business Manager	<i>Jean W. Scott</i>	02/14/01

Supt. Blaine Jr.

Feb 20, 2001

JAMES WILLIAMS

James Williams

F-A 21

I'm Appealing Grievance # GRN-0317-01

According to Ms. JEAN SCOTT, Business Manager, Reply dated Feb 14, 01 the Mail-Room sent each housing unit New Certified postage forms with instructions not to use old forms anymore

I Assume this memo was also forwarded to L-5 (A-H-C) housing? Feb 5, 2001, was the first time I used the old forms, unaware of this policy. Along with Sgt GRANDAS and % GATTIAN 2 to 10 shift L-5 staff. When the mail-room returned my legal package addressed to U.S. District Court Feb 8, 01 informing me not to use old forms, delayed mailing. Nor was I informed by staff not to use old forms with staff signed cash slip. L-5 inmates are not allowed to read Bulletin boards, if any memo was passed out on the issue I arrived at Green from A-T-A Jan 31, 2001 Civil clear. C was Feb 8, 2001



In the United States District Court  
For the Middle District of Pennsylvania

JAMES H. WILLIAMS

Plaintiff

vs

MARTIN L. DRAGONOVICH

JAMES J. McGRADY AND

Richard L. Spaide

Defendants :

Civil No# 1:CV-01-0280

(Judge KANE)

Certificate of Service

I, JAMES H. WILLIAMS, Plaintiff, hereby certify that on JANUARY 22, 2002, I served a true and correct copy of the foregoing Brief in Opposition to Defendant's motion to Dismiss, by causing it to be deposited in the United States MAIL by service listed below:

1. office of the Clerk, U.S. District Court Middle District 228 Walnut St P.O. Box 983 HARRISBURG, PA. 17108 Two (2) copies of Petition (by certified mail # 7001-1140-0000-0185-2464)

2. Linda S. Lloyd Deputy Attorney General, office of Attorney General 15th Floor, Strawberry Square Litigation Section HARRISBURG, PA. 17120 one copy of Petition by First class mail.

Dated January 22 2002

James Williams Pro se.  
JAMES H. WILLIAMS AT-8692  
S.C.F. GROENE  
175 Progress Drive  
HARRISBURG, PA 15370